

107TH CONGRESS
1ST SESSION

S. 1347

To establish a Congressional Trade Office.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. BAUCUS (for himself and Mr. BYRD) introduced the following bill; which
was read twice and referred to the Committee on Governmental Affairs

A BILL

To establish a Congressional Trade Office.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) Congress has responsibility under the Con-
6 stitution for international commerce.

7 (2) Congressional oversight of trade policy has
8 often been hampered by a lack of resources.

9 (3) The United States has entered into numer-
10 ous trade agreements with foreign trading partners,
11 including bilateral, regional, and multilateral agree-
12 ments.

1 (4) The purposes of the trade agreements are—

2 (A) to achieve a more open world trading
3 system which provides mutually advantageous
4 market opportunities for trade between the
5 United States and foreign countries;

6 (B) to facilitate the opening of foreign
7 country markets to exports of the United States
8 and other countries by eliminating trade bar-
9 riers and increasing the access of United States
10 industry and the industry of other countries to
11 such markets; and

12 (C) to reduce diversion of third country ex-
13 ports to the United States because of restricted
14 market access in foreign countries.

15 (5) Foreign country performance under certain
16 agreements has been less than contemplated, and in
17 some cases rises to the level of noncompliance.

18 (6) The credibility of, and support for, the
19 United States Government's trade policy is, to a sig-
20 nificant extent, a function of the belief that trade
21 agreements made are trade agreements enforced.

22 (7) The accession of the People's Republic of
23 China to the World Trade Organization will create
24 unprecedented challenges and it is important to the
25 world trading system that China comply with the

1 numerous and significant commitments China makes
2 as part of the accession process. Congress must play
3 a key role in ensuring full and continuous moni-
4 toring of the People’s Republic of China’s compli-
5 ance with its commitments.

6 **SEC. 2. ESTABLISHMENT OF OFFICE.**

7 (a) IN GENERAL.—There is established an office in
8 Congress to be known as the Congressional Trade Office
9 (in this Act referred to as the “Office”).

10 (b) PURPOSES.—The purposes of the Office are as
11 follows:

12 (1) To reassert the constitutional responsibility
13 of Congress with respect to international trade.

14 (2) To provide Congress with additional inde-
15 pendent, nonpartisan, neutral trade expertise.

16 (3) To assist Congress in providing more effec-
17 tive and active oversight of trade policy.

18 (4) To assist Congress in providing to the exec-
19 utive branch more effective direction on trade policy.

20 (5) To provide Congress with long-term, institu-
21 tional memory on trade issues.

22 (6) To provide Congress with more analytical
23 capability on trade issues.

24 (7) To advise relevant committees on the im-
25 pact of trade negotiations, including past, ongoing,

1 and future negotiations, with respect to the areas of
2 jurisdiction of the respective committees.

3 (c) FUNCTIONS.—The functions of the Office are as
4 follows:

5 (1) ASSISTANCE TO CONGRESS.—Provide the
6 appropriate committees of Congress or joint commit-
7 tees of Congress information which will assist the
8 committees in the discharge of the matters within
9 their jurisdiction.

10 (2) MONITOR COMPLIANCE.—Monitor compli-
11 ance with major bilateral, regional, and multilateral
12 trade agreements by—

13 (A) consulting with the affected industries
14 and interested parties;

15 (B) analyzing the success of those agree-
16 ments based on commercial results;

17 (C) recommending actions, including legis-
18 lative action, necessary to ensure that foreign
19 countries that have made commitments through
20 those agreements with the United States fully
21 abide by their commitments;

22 (D) annually assessing the extent to which
23 those agreements comply with environmental
24 goals; and

1 (E) annually assessing the extent to which
2 those agreements comply with labor goals.

3 (3) ANALYSIS.—

4 (A) IN GENERAL.—Perform the following
5 analyses:

6 (i) Not later than 90 days after the
7 date the Trade Policy Agenda is delivered
8 to Congress each year, analyze the Admin-
9 istration's Agenda, including alternative
10 goals, strategies, and tactics, as appro-
11 priate.

12 (ii) Not later than 90 days after the
13 date the National Trade Estimates report
14 is delivered to Congress each year, analyze
15 the major outstanding trade barriers based
16 on cost to the United States economy.

17 (iii) Analyze the trade accounts, in-
18 cluding the global current account, global
19 trade account, and key bilateral trade ac-
20 counts.

21 (B) ANALYSIS REQUESTED BY COM-
22 MITTEE.—Perform analyses as directed by any
23 committee which will assist the committee in
24 the discharge of the matters within the commit-
25 tee's jurisdiction.

1 (4) DISPUTE SETTLEMENT DELIBERATIONS.—

2 Perform the following functions with respect to dis-
3 pute resolution:

4 (A) Participate as observers on the United
5 States delegation at dispute settlement panel
6 meetings of the World Trade Organization.

7 (B) Evaluate the results obtained by the
8 United States in dispute settlement at the
9 World Trade Organization, including the com-
10 mercial results.

11 (C) Evaluate the results obtained by the
12 United States in dispute settlement under the
13 North American Free Trade Agreement, includ-
14 ing the commercial results.

15 (5) PARTICIPATION IN TRADE NEGOTIATIONS.—

16 Participate as observers in selected bilateral, re-
17 gional, and multilateral trade negotiations.

18 (6) OTHER FUNCTIONS OF THE OFFICE.—

19 (A) Provide the Committee on Finance and
20 the Committee on Ways and Means with quar-
21 terly reports regarding the activities of the Of-
22 fice.

23 (B) Be available for consultation with con-
24 gressional committees on trade-related legisla-
25 tion.

1 (C) Receive and review classified informa-
 2 tion and participate in classified briefings in the
 3 same manner as the staff of the Committee on
 4 Finance and the Committee on Ways and
 5 Means.

6 (D) Consult nongovernmental experts and
 7 utilize nongovernmental resources.

8 (E) Perform such other functions as the
 9 Chairman and Ranking Member of the Com-
 10 mittee on Finance and the Chairman and
 11 Ranking Member of the Committee on Ways
 12 and Means may request.

13 (d) DIRECTOR AND STAFF.—

14 (1) DIRECTOR.—

15 (A) IN GENERAL.—The Office shall be
 16 headed by a Director. The Director shall be ap-
 17 pointed by the Speaker of the House of Rep-
 18 resentatives and the President pro tempore of
 19 the Senate after considering the recommenda-
 20 tions of the Chairman and Ranking Member of
 21 the Committee on Finance of the Senate and
 22 the Chairman and Ranking Member of the
 23 Committee on Ways and Means of the House of
 24 Representative. The Director shall be chosen
 25 without regard to political affiliation and solely

1 on the basis of the Director's expertise and fit-
2 ness to perform the duties of the Director.

3 (B) TERM.—The term of office of the Di-
4 rector shall be 5 years and the Director may be
5 reappointed for subsequent terms.

6 (C) VACANCY.—Any individual appointed
7 to fill a vacancy prior to the expiration of a
8 term shall serve only for the unexpired portion
9 of that term.

10 (D) REMOVAL.—The Director may be re-
11 moved by either House by resolution.

12 (E) COMPENSATION.—The Director shall
13 receive compensation at a per annum gross rate
14 equal to the rate of basic pay, as in effect from
15 time to time, for level III of the Executive
16 Schedule in section 5314 of title 5, United
17 States Code.

18 (2) STAFF.—

19 (A) IN GENERAL.—The Director shall ap-
20 point and fix the compensation of such per-
21 sonnel as may be necessary to carry out the du-
22 ties and functions of the Office. All personnel
23 shall be appointed without regard to political
24 affiliation and solely on the basis of their fit-
25 ness to perform their duties. The personnel of

1 the Office shall consist of individuals with ex-
2 pertise in international trade, including exper-
3 tise in economics, trade law, various industrial
4 sectors, and various geographical regions.

5 (B) BENEFITS.—For purposes of pay
6 (other than the pay of the Director) and em-
7 ployment, benefits, rights and privilege, all per-
8 sonnel of the Office shall be treated as if they
9 were employees of the House of Representa-
10 tives.

11 (3) EXPERTS AND CONSULTANTS.—In carrying
12 out the duties and functions of the Office, the Direc-
13 tor may procure the temporary (not to exceed 1
14 year) or intermittent services of experts or consult-
15 ants or organizations thereof by contract as inde-
16 pendent contractors, or, in the case of individual ex-
17 perts or consultants, by employment at rates of pay
18 not in excess of the daily equivalent of the highest
19 rate of basic pay payable under the General Sched-
20 ule of section 5332 of title 5.

21 (4) RELATIONSHIP TO EXECUTIVE BRANCH.—
22 The Director is authorized to secure information,
23 data, estimates, and statistics directly from the var-
24 ious departments, agencies, and establishments of
25 the executive branch of Government and the regu-

latory agencies and commissions of the Government. All such departments, agencies, establishments, and regulatory agencies and commissions shall furnish the Director any available material which he determines to be necessary in the performance of his duties and functions (other than material the disclosure of which would be a violation of law). The Director is also authorized, upon agreement with the head of any such department, agency, establishment, or regulatory agency or commission, to utilize its services and facilities with or without reimbursement; and the head of each such department, agency, establishment, or regulatory agency or commission is authorized to provide the Office such services and facilities.

(5) RELATIONSHIP TO OTHER AGENCIES OF CONGRESS.—In carrying out the duties and functions of the Office, and for the purpose of coordinating the operations of the Office with those of other congressional agencies with a view to utilizing most effectively the information, services, and capabilities of all such agencies in carrying out the various responsibilities assigned to each, the Director is authorized to obtain information, data, estimates, and statistics developed by the General Accounting

1 Office, the Library of Congress, and other offices of
2 Congress, and (upon agreement with them) to utilize
3 their services and facilities with or without reim-
4 bursement. The Comptroller General, the Librarian
5 of Congress, and the head of other offices of Con-
6 gress are authorized to provide the Office with the
7 information, data estimates, and statistics, and the
8 services and facilities referred to in the preceding
9 sentence.

10 **SEC. 3. PUBLIC ACCESS TO DATA.**

11 (a) RIGHT TO COPY.—Except as provided in sub-
12 sections (b) and (c), the Director shall make all informa-
13 tion, data, estimates, and statistics obtained under this
14 Act available for public copying during normal business
15 hours, subject to reasonable rules and regulations, and
16 shall to the extent practicable, at the request of any per-
17 son, furnish a copy of any such information, data, esti-
18 mates, or statistics upon payment by such person of the
19 cost of making and furnishing such copy.

20 (b) EXCEPTIONS.—Subsection (a) of this section
21 shall not apply to information, data, estimates, and
22 statistics—

23 (1) which are specifically exempted from disclo-
24 sure by law; or

1 (2) which the Director determines will
2 disclose—

3 (A) matters necessary to be kept secret in
4 the interests of national defense or the con-
5 fidential conduct of the foreign relations of the
6 United States;

7 (B) information relating to trade secrets or
8 financial or commercial information pertaining
9 specifically to a given person if the information
10 has been obtained by the Government on a con-
11 fidential basis, other than through an applica-
12 tion by such person for a specific financial or
13 other benefit, and is required to be kept secret
14 in order to prevent undue injury to the competi-
15 tive position of such person; or

16 (C) personnel or medical data or similar
17 data the disclosure of which would constitute a
18 clearly unwarranted invasion of personal pri-
19 vacy;

20 unless the portions containing such matters, information,
21 or data have been excised.

22 (c) INFORMATION OBTAINED FOR COMMITTEES AND
23 MEMBERS.—Subsection (a) of this section shall apply to
24 any information, data, estimates, and statistics obtained
25 at the request of any committee, joint committee, or Mem-

1 ber unless such committee, joint committee, or Member
2 has instructed the Director not to make such information,
3 data, estimates, or statistics available for public copying.

4 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Office
6 for each fiscal year such sums as may be necessary to en-
7 able it to carry out its duties and functions. Until sums
8 are first appropriated pursuant to the preceding sentence,
9 for a period not to exceed 12 months following the effec-
10 tive date of this section, the expenses of the Office shall
11 be paid from the contingent fund of the Senate, in accord-
12 ance with the provisions of the paragraph relating to con-
13 tingent funds under the heading “UNDER LEGISLA-
14 TIVE” in the Act of October 2, 1888 (25 Stat. 546; 2
15 U.S.C. 68), and upon vouchers approved by the Director.

○